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INFORMATION AND COMMENTS RECEIVED FROM GOVERNMENTS, UNITED NATIONS BODIES, SPECIALIZED AGENCIES, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Report of the Secretary-General

ANNEX

Reply received from North-South XXI (Non-governmental organization)

GE.98-10183 (E)

Proposal in response to the United Nations questionnaire on the rights of migrants

(R. Charvin)

Question 1: This is a matter for States.

Question 2: Refugees should be distinguished from migrants.

1. Refugees fall within the scope of the 1951 Convention relating to the Status of Refugees and a series of additional protocols.

This Convention makes it possible to cater for asylum seekers who fear persecution in their countries of origin or who are unable to claim protection from those countries.

The rights of refugees as recognized under the Convention are important (article 4, concerning religion, article 17, article 23, article 24 on social rights and employment, etc.).

Unfortunately, the signatory States either fail to respect the Convention or interpret it very restrictively (for example, they accept only refugees persecuted by their own State, and not those persecuted by civil society; also, for example, women are not considered as belonging to a "social group" within the meaning of the Convention).

The United Nations must inform international opinion about the content of the 1951 Convention and remind the signatory States of the legitimate interpretation to be given to that instrument so that it can be applied effectively. The United Nations should also monitor the implementation of the Convention.

2. The industrialized countries intend both to maintain international economic structures that are favourable to them and to impose their hegemonism further, as part of the process of globalization, while at the same time abnegating the free movement of persons.

However, migrations - both in history and today - have a structural dimension: they result from unequal development. Accentuation of those inequalities entails an accentuation of migratory movements from more disadvantaged areas to more favoured areas (the direction of such movements is south-south and south-north).

The western world, moreover, is projecting its own image on a massive scale to standardize tastes, consumer needs and values (thereby creating a world society adapted to the economic "supply" of the North) but without accepting movements of people fascinated by the North.

The North cannot both encourage the free movement of capital and goods (including primary products) and prohibit the movement of persons.

The North cannot both maintain a global social divide and ignore its migratory consequences.

The United Nations must emphasize the requirements of promoting development and reducing inequalities so as to allow all people to live in their own countries and thus make immigration solely a personal and non-structural question.

3. The question of migrants is linked to the treatment of foreigners, a centuries-old issue.

In every society, the foreigner often serves as a scapegoat for the authorities. The measures taken against foreigners, being demagogic in nature, help to satisfy public opinion. Europe's extreme right-wing parties, for example, use this theme to bolster their influence and Governments feel obliged to follow them, on account of the social crisis.

The United Nations should define the status of migrant in an international convention that would be binding on States. That status would prevent massive applications for naturalization. Such applications create opposition in the host countries, while the migrants themselves are often unwilling to lose their nationality of origin and apply for naturalization only to have a normal life in the society of the host country. Recognition of the status of migrant, which would be accompanied by important rights and duties and have to be respected by every State, would avert this naturalization "race" and the ensuing political controversies, both in the North and in the South.

4. The North tends to repel migratory movements, but it does so in a discriminatory manner.

The European Union does not treat migrants from the South, from the East and from the rest of the world (United States, Scandinavia, etc.) in the same way.

In many cases, both the administrative services and the nature of the reception are different.

The United Nations must ensure respect for the resolutions, declarations and conventions prohibiting discrimination on such grounds as nationality, race or religion.

Abuses of human dignity are common in the European and American administrations. There are even "holding centres" - insalubrious places not subject to strict legal controls - where migrants who have been refused entry are kept for indeterminate periods until they are deported from the "host" country (as in the case of France, for example).

At the same time, exceptions are made when the migrant is judged to be "profitable" for the host country, i.e. a top athlete, scientist, etc. There are western networks which operate in Africa, for example, and bring back sportsmen who are "profitable" to European clubs; these have become big business. The new "trade in Blacks" is organized in such a way that the administration creates no obstacles.

Migrants from the eastern bloc countries were welcomed in the West at the time when those countries were communist (in the 1950s to 1970s), but that is no longer the case today. In France, for example, the majority of asylum seekers come from eastern Europe, most of them being of Roma origin. They are almost systematically sent back.

The reception thus discriminates heavily, according to the migrants' social "utility", ethnic origin, cultural background and religion. Such practices seriously violate the International Bill of Human Rights (Covenant of 1966).

5. The willingness of the United Nations to work in partnership with non-governmental organizations can be given concrete form particularly in respect of the phenomenon of migration:

The United Nations can recommend to States that they involve non-governmental organizations and associations in the work of their administrations.

Migrants come from very diverse backgrounds. Public administrations are not able to deal effectively with people of very different cultures, customs, etc.

The most effective reception, i.e. the one that best facilitates and most rapidly achieves integration (and not assimilation, which violates migrants' rights), can perhaps be provided by associations composed in particular of migrants of long standing who are already integrated and able to assist the public administrations (working by agreement and with a subsidy).

Uniform treatment of migrants of all origins is ineffective and a source of disputes. Non-governmental organizations can help in establishing mixed commissions made up of older migrants and nationals.

The United Nations must encourage education campaigns to promote understanding of:

- the reasons for migratory movements (political, economic, etc.);
- the problems encountered by migrants;
- the kind of assistance to be provided to migrants, i.e. not charity but respect for their cultures and beliefs, for their right to work, to social protection, etc.

Replies to the questions on migrant workers

(Professor Halidou Ouédraogo)

1. Africa is a continent with millions and millions of migrant workers.

Examples of the continent's principal migratory flows:

Southern Africa: workers from other countries (Botswana, Mozambique, Namibia and Zimbabwe) go to South Africa.

Sub-Saharan Africa: workers from Burkina Faso, Mali, Niger and Benin are attracted by Côte d'Ivoire.

In addition, many African workers emigrate or migrate towards Europe (North Africa, Mediterranean countries, etc.).

Most of these countries have immigration laws (countries of the Great Lakes region, Central Africa, Economic Community of West African States) but they are not favourable to migrant workers. The proof is that very few countries (less than 12) have signed and ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Regulation is acceptable in theory. In practice, however, the situation is deplorable.

2. Measures to be taken to strengthen the promotion of human rights:

Publicize and encourage the signature and ratification of the Convention on migrant workers;

Train and educate migrant workers with a view to their settlement in the countries of origin;

Help migrant workers to settle;

Reconvene the States parties to the Convention and remind them of their responsibilities.

3. The present situation in host countries is characterized by increasing xenophobia, racism and discriminatory attitudes. All of this is directed against migrant workers (France, United Kingdom, United States of America).

4. It is to be deplored that no vigorous action has been taken to prompt States to sign and ratify the Convention.

At the domestic level, moreover, the courts fail to punish non-compliance with the laws concerning migrant workers.

Extreme poverty (unsafe housing, insecurity of employment, etc.) reigns in the various communities.

Domestic laws have to be enforced and a large-scale operation undertaken to ensure that the Convention, which must be signed and ratified, is brought into force.